## REMARKS

Claim 1 has been amended to correct the informality noted by the Examiner in paragraph 3 of the Office Action.

In addition, claims 1 and 3 have been amended to overcome the rejection based on 35 U.S.C. § 112.

Claim 5 has been amended to correct a grammatical error (adding a period at the end of the sentence).

The abstract of the disclosure has been amended to delete the language objected to by the Examiner.

Further, page 2 of the disclosure has been amended to delete the objectionable language.

As concerns the merits of the case, the Examiner has rejected claims 1 through 7 as being anticipated by the '089 patent to Moore. It should first be noted that the cap in the '089 patent is not designed to provide a pressure discharge for a container or bottle. Quite to the contrary, the cap of the '089 reference provides an improved seal between the screw top and the bottle. This improved seal is provided even when a thin liner and irregular container lands are used in combination with each other. These objects and method of operation are described in Col. 1, L46 to Col. 2, L15.

A deformation of the cap in the '089 patent is neither contemplated nor provided, even when an over pressure condition exists in the container. In a case of over pressurization, the liner in the '089 cap will be pressed into the grooves 73 between the teeth 72. In no case will this allow a discharge or relief of the pressure.

As concerns the claimed structure and that shown in the Moore '089 patent and the Racine '793 patent, claim 1 clearly calls for a closure member 37 disposed between the top face of the bottle neck and a spacer 31 with the spacer 31 disposed between the closure member and the bottom surface of the cap.

This structure is not shown or suggested by either of the references.

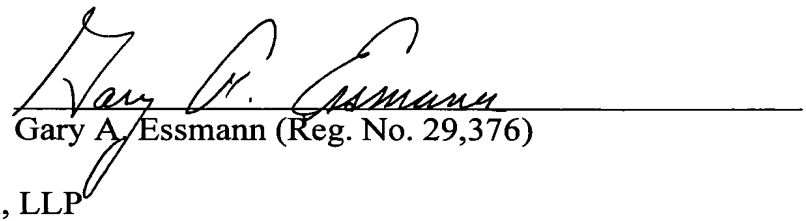
Furthermore, the sealing lip 19 is formed radially outward of the spacer 31. According to the Moore '089 reference, its lip 58 is disposed radially inwardly of the bottle neck. It should also be noted that neither reference shows the reduced thickness

region disposed in a zone laterally to a root of the sealing lip. This structure and position are necessary in order to form the elastic zone that enables the simple deformation of the cap under an over pressurization situation.

Last, but not least, neither of the references show the concept of temporarily receiving a part of the closure membrane in a groove that is defined by this region of reduced thickness during an over pressurization situation.

It is earnestly believed that all of the Examiner's objections and rejections and discussed and that this case is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted,



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